

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY, and
RYAN W. PAYNE,

Defendants.

2:16-cr-46-GMN-PAL-1-4

DATE: October 25, 2017

Courtroom 7C

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Aaron Blazeovich

COURT REPORTER: Kathy Eismann

COUNSEL FOR PLAINTIFF: Steven Myhre, Nadia Ahmed and Daniel Schiess with FBI Agents Joel Willis and Sharon Gavin and BLM Officer Christopher Allen

COUNSEL FOR DEFENDANT: Bret Whipple, Maysoun Fletcher (Stand-by Counsel for Ryan Bundy), Daniel Hill, Jay Morgan Philpot, Brenda Weksler, Ryan Norwood, and Cristen Thayer

MINUTES OF PROCEEDINGS: Evidentiary Hearing (Day 3) and Calendar Call

10:38 a.m. The Court convenes. The Court makes preliminary statements regarding Ammon, Ryan and Cliven Bundy's refusal to comply with the US Marshal's security protocols on Tuesday, October 24, 2017. Accordingly, prior to the start of the evidentiary hearing on Tuesday, the Court authorized full restraints to ensure compliance with all security procedures. Specifically, the defendants refused to turn around and face the wall when the US Marshals enter passwords into keypads. The Court authorized Ryan and Cliven Bundy's right hands be unshackled to allow them to take notes during the hearing. The Court authorized the US Marshal to remove Ammon Bundy from the courtroom when he would not stop talking over the Court's numerous requests to stop. The Court authorized Ammon Bundy's return to the courtroom after lunch. The Court states that Ryan Payne, Ryan Bundy and Cliven Bundy were able to comply with the US Marshal's security protocols today and are present in court. Ammon Bundy, however, has not complied with the security protocols and is not present. The Court provides Mr. Hill and Mr. Philpot the opportunity to go to the US Marshal's office to speak to Ammon Bundy. If Ammon Bundy does not comply with the US Marshal's security protocol, the Court will deem his presence at today's hearing waived.

10:45 a.m. The Court stands at recess.

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11:22 a.m. The Court reconvenes. The Court states that Ammon Bundy is still not present in the courtroom. Mr. Hill offers the Court apologies on behalf of Ammon Bundy for his outburst on the previous day of the evidentiary hearing. The Court deems Ammon Bundy's presence waived for the morning.

11:24 a.m. **TONI SUMINSKI**, called by Defendant Ryan Payne and previously sworn, testifies on direct examination by Mr. Philpot on behalf of Ammon Bundy.

12:18 p.m. The Court stands at recess for lunch.

1:16 p.m. **TONI SUMINSKI**, called by Defendant Ryan Payne and previously sworn, testifies on direct examination by Mr. Whipple on behalf of Cliven Bundy. Ryan Bundy conducts direct examination. Mr. Myhre conducts cross examination. Ms. Weksler conducts redirect examination on behalf of Mr. Payne. Ryan Bundy conducts redirect examination. The witness is excused.

2:58 p.m. Mr. Norwood requests the ability to call additional witnesses in light of the testimony provided during this evidentiary hearing. Specifically, Mr. Norwood requests the ability to call Mary Hinson, Pamela Smith, Randy LaVasseur and Zack Oper. Mr. Myhre objects. The Court continues this evidentiary hearing to Friday, November 3, 2017, at 8:00 a.m. in Courtroom 7C. Mr. Myhre moves for a continuation of trial. The Court keeps this case set for trial on Monday, October 30, 2017, at 8:30 a.m. in Courtroom 7C. Ms. Weksler asks questions regarding the supplemental jury questionnaires. Mr. Myhre requests a 30 day extension to file a response to the 2727 Sealed Motion to Dismiss. The Government may file a response to the motion no later than Monday, December 11, 2017.

3:54 p.m. The Court adjourns.

Evidentiary Hearing continued to Friday, November 3, 2017, at 8:00 a.m.

DEBRA K. KEMPI, CLERK
U.S. DISTRICT COURT

BY: /S/
Aaron Blazeovich, Deputy Clerk